

THE INTERNATIONAL EXISTING BUILDING CODE (2015)

The International Building Code in 2012 determined that the coverage of Existing Buildings needed its own guidelines, ergo, the International Existing Building Code was created.

The 2015 International Existing Building Code does give some support, but appears contradictory and therefore, is not definitive enough:

Unsafe Buildings:

“Buildings, structures or equipment that are unsanitary, or that are **deficient due to inadequate means of egress facilities**, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of “Dangerous”, or **that are otherwise dangerous to human life or the public welfare**, or that involve illegal or improper occupancy or **inadequate maintenance shall be deemed unsafe...**”

Chapter 7, Alterations – Level 1.

“This chapter provides the technical requirements for those existing buildings that undergo **Level 1 alterations** as described in Section 503, **which includes replacement or covering of existing materials, elements, equipment or fixtures using new materials for the same purpose**. This chapter, similar to other chapters of this code, covers all building-related subjects, such as structural, mechanical, plumbing, electrical and **accessibility as well as the fire and life safety issues when the alterations are classified as Level 1**. The purpose of this chapter is to provide detailed requirements and provisions to identify the required improvements in the existing building elements, building spaces and building structural system. This chapter is distinguished from Chapters 8 and 9 by **only involving replacement of building components with new components**. In contrast, Level 2 alterations involve more space reconfiguration and Level 3 alterations involve more extensive space reconfiguration, exceeding 50 percent of the building area.”

However, this section found in Chapter 1 seems to contradict the section above.

Chapter 1: Scope and Administration

[A] 105.2.2 Repairs. Application or notice to the code official is not required for ordinary repairs to structures and items listed in Section 105.2. Such repairs shall NOT include the cutting away of any wall, partition, or portion thereof, the removal or the removal of any structural beam or load-bearing support, or the **removal or change of any required means of egress or rearrangement of parts of a structure affecting the egress requirements...**

Question: Would a business need a permit or not to change from the non-accessible entry door hardware of the flat panel type (identified as “Not Accessible in 2006) to that which is ADA compliant?

The common reply of some planning code officials is that unless the building is being altered and unless the front windows or the entry door are being altered the “ongoing obligation” of ABA does not require the door hardware change. However, 2015 IEBC cites Level 1 alterations

do not require enlarging space and the ADA 2010 “ADA Update: A Primer for Small Business” and the ABA 2013 Update cite:

The ABA requires that small businesses remove architectural barriers in existing facilities when it is “readily achievable” to do so: a) Readily achievable means “easily accomplishable without much difficulty or expense.” b) Readily achievable barrier removal may include...”installing accessible door hardware”. c) Providing “access to the goods and services” is the second of the priorities outlined in ADA 20% disproportionality and the ABA.

In speaking with representatives from ADA and the Department of Justice, each confirm that “It is an ongoing and continuing obligation to remove barriers if readily accessible and affordable. Changing entry door hardware to that which is ADA compliant is just that, costing approximately \$140.00 and taking approximately one hour to install and adjust. This is far from a 20% disproportionality situation even if other accommodations are made. It has also been confirmed to me by ADA and DOJ that state and local governments can go beyond the federal minimal ADA compliancy requirements, which is what Lets Open Doors advocates for entry door hardware.

\$554,525 announced September 17, 2017 for DARS to provide information about prevention of falls to approximately only 2,000 senior Virginians. No one would deny that is helpful to senior citizens. A much larger demographic can be assisted by the 2018 General Assembly. The passage of SB 1515 accommodates over 1,000,000 Virginians by the retrofit of manual door hardware on buildings constructed prior to the ADA, giving local communities the ability to enforce and protect its citizens from falls at doors of public accommodations.

Please see the letter from Attorney General Mark Herring, who states under **current law** the cities and counties cannot enforce the public accommodation facilities’ “ongoing obligation to remove architectural barriers”. The department of Permits and Licenses in Virginia Beach, VA writes on September 15, 2017:

“It is still in our opinion the requirement to replace the hardware is already in the code, however, we can only enforce it when it is in association with elements of construction that trigger permit requirements.”

Also stated,

“DHCD is hoping to have the 2015 codes adopted by January 2018 but there has been numerous issues with the Fire Prevention Code that haven’t been able to achieve consensus.”

Without passage, this 11.5 % Virginian population already physically or mentally compromised, can only sue any single business and its building owner as an individual or submit a complaint to the US Department of Justice.

Submitted to Director E. Palen and Virginia Housing Commission Affordable Housing and Real Estate work-group, September 27, 2017 by Dr. Gail H. Mottola, President-Executive Director, Lets Open Doors.